

REMARKS

Upon entry of this amendment, claims 1-41 are pending. By Office Action of January 29, 2008, claims 1-41 are rejected. Claims 1, 17, and 38 have been amended. No new matter has been added by way of this response. Support for the amendments can be found in the application as originally filed as follows.

In claim 1, support for a device for collecting a fluid comprising a pressure sensitive valve, wherein said valve comprises: a housing; an inlet to the housing; an outlet from the housing; a fluid channel which can allow a fluid to flow from the inlet to the outlet; and a rod which can obstruct the communication between the inlet and the outlet, such that the rod can be in only one of two positions (i) a first position occurring when a pressure differential between the inlet and the outlet is at or greater than a preset value, the rod is displaced to completely obstruct the fluid from flowing from the inlet to the outlet and (ii) a second position occurring when the pressure differential between the inlet and the outlet is less than the preset value, the rod is not displaced, allowing the fluid to flow unrestricted from the inlet to the outlet through a rod fluid channel, said rod fluid channel having a rod fluid channel inlet and a rod fluid channel outlet, wherein said rod fluid channel, said rod fluid channel inlet and said rod fluid channel outlet are generally inline such that the fluid flow through the rod fluid channel is generally straight can be found at least on claim 1 as previously filed. Support for a rod fluid channel having a rod fluid channel inlet on one side of the rod and a rod fluid channel outlet on an opposite side of the rod can be found at least on Figures 1 and 2 as originally filed. Support for said rod fluid channel, said rod fluid channel inlet and said rod fluid channel outlet are generally inline such that the fluid flow through the rod fluid channel is generally straight and across a cross-section of the rod can be found at least on Figures 1 and 2 as originally filed.

In claim 17, support for a method of extracting a body fluid from a body area, the method comprising the steps of: connecting a needle to an inlet of a housing of a valve, wherein the valve comprises the housing the inlet of the housing, an outlet of the housing, a fluid channel which can allow a body fluid to flow from the inlet to the outlet, and a rod which can obstruct the body fluid from flowing from the inlet to the outlet, such that the rod can be in only one of two positions (i) a first position occurring when a pressure differential between the inlet and the outlet is at or greater than a preset value, the rod is displaced to completely obstruct the body fluid from flowing from the inlet to the outlet, and (ii) a second position occurring when the pressure differential between the inlet and the outlet is less than the preset value, the rod is not

displaced, allowing the body fluid to flow unrestricted from the inlet to the outlet through a rod fluid channel, said rod fluid channel having a rod fluid channel inlet and a rod fluid channel outlet, wherein said rod fluid channel, said rod fluid channel inlet and said rod fluid channel outlet are generally inline such that the fluid flow through the rod fluid channel is generally straight; and inserting the needle into a body area, wherein the body fluid flows through the needle and into the inlet to the housing such that (i) when the body fluid is at a pressure that is below the preset value, the body fluid flows unrestricted to the outlet of the housing to be collected, and (ii) when the body fluid is at a pressure that is at or in excess of the preset value, the rod is completely displaced and body fluid is not allowed to flow out of the outlet of the housing can be found at least on claim 1 as originally filed. Support for a rod fluid channel having a rod fluid channel inlet on one side of the rod and a rod fluid channel outlet on an opposite side of the rod can be found at least on Figures 1 and 2 as originally filed. Support for said rod fluid channel, said rod fluid channel inlet and said rod fluid channel outlet are generally inline such that the fluid flow through the rod fluid channel is generally straight and across a cross-section of the rod can be found at least on Figures 1 and 2 as originally filed.

In claim 28, support for a kit for extracting a body fluid from a body, the kit comprising a needle, a valve, and an ancillary device, and wherein, the valve comprises a housing, an inlet to the housing, an outlet from the housing, a fluid channel which can allow a body fluid to flow from the inlet to the outlet, and a rod which can obstruct the body fluid from flowing from the inlet to the outlet, such that the rod can be in only one of two positions (i) a first position occurring when a pressure differential between the inlet and the outlet is at or greater than a preset value, the rod is displaced to completely obstruct flow of the body fluid from the inlet to the outlet; and (ii) a second position occurring when the pressure differential between the inlet and the outlet is less than the preset value, the rod is not displaced, which thereby allows unrestricted flow of the body fluid from the inlet to the outlet through a rod fluid channel, said rod fluid channel having a rod fluid channel inlet and a rod fluid channel outlet, wherein said rod fluid channel, said rod fluid channel inlet and said rod fluid channel outlet are generally inline such that the fluid flow through the rod fluid channel is generally straight; and the ancillary device is selected from the group consisting of a tubing, a three-way valve, a stopcock and manometer assembly and a collection device can be found at least on claim 1 as originally filed. Support for a rod fluid channel having a rod fluid channel inlet on one side of the rod and a rod fluid channel outlet on an opposite side of the rod can be found at least on Figures 1 and 2 as originally filed. Support for said rod fluid channel, said rod fluid channel inlet and said rod fluid channel outlet are

generally inline such that the fluid flow through the rod fluid channel is generally straight and across a cross-section of the rod can be found at least on Figures 1 and 2 as originally filed.

Claim Rejections under 35 U.S.C. § 103

Applicant respectfully traverses and, for the following reasons, requests reconsideration and withdrawal of the rejection of claims 1-41 under 35 U.S.C. § 103.

In the Office action, the Office rejects claims 1-7, 8-11, 12, 13, 16-22, 23, 24, 27, 39, 40 and 41 under 35 U.S.C. § 103(a) as allegedly unpatentable over Duffy (US Pat. No. 6,050,973) in view of Cole (US Pat. No. 934,286). The Office also rejects claims 14, 15, 25, 26, and 28-38 under 35 U.S.C. § 103(a) as allegedly unpatentable over Duffy in view of Cole in further view of Bierman (US Pat. No. 2,535,998). Applicant requests reconsideration and withdrawal of the rejections, because the cited references, singly or in combination, fail to teach all of the limitations of the claims, as amended.

Regarding claim 1, the cited references, singly or in combination, fail to teach a device for collecting a fluid comprising a pressure sensitive valve, wherein said valve comprises: a housing; an inlet to the housing; an outlet from the housing; a fluid channel which can allow a fluid to flow from the inlet to the outlet; and a rod which can obstruct the communication between the inlet and the outlet, such that the rod can be in only one of two positions (i) a first position occurring when a pressure differential between the inlet and the outlet is at or greater than a preset value, the rod is displaced to completely obstruct the fluid from flowing from the inlet to the outlet and (ii) a second position occurring when the pressure differential between the inlet and the outlet is less than the preset value, the rod is not displaced, allowing the fluid to flow unrestricted from the inlet to the outlet through a rod fluid channel, said rod fluid channel having a rod fluid channel inlet on one side of the rod and a rod fluid channel outlet on an opposite side of the rod, wherein said rod fluid channel, said rod fluid channel inlet and said rod fluid channel outlet are generally inline such that the fluid flow through the rod fluid channel is generally straight and across a cross-section of the rod.

Cole teaches a fluid flow path that runs from a side port [10] out through the open end of the stem [9], along the length of the stem. (see Cole, lines 49-53). Cole fails to teach an inlet and an outlet on opposite sides of the rod where the fluid flows across a cross-section of the rod.

Duffy teaches an extremely complicated fluid flow path, particularly in the valve chamber [46]. (see Duffy, col. 6, line 61 to col. 7, line 3). Although inlet port [60] and outlet port [70] are

formed in the valve chamber [46] side wall, Duffy fails to teach an inlet and an outlet on opposite sides of the rod. Duffy's fluid flow also extends along a length of the rod, rather than across a cross-section.

The cited references, singly or in combination, fail to teach all of the limitations of claim 1, as amended.

Claims 2-16 and 39-40 include all of the features and limitations of claim 1. Because the cited references, singly or in combination, fail to teach all of the claim limitations of claim 1, as amended, the § 103 rejection of dependent claims 2-16 and 39-40 is improper. Applicant respectfully requests the Office to reconsider and withdraw the § 103 rejection of claims 2-16 and 39-40.

The above arguments with respect to claim 1 are equally applicable to independent claims 17 and 28, and their respective dependent claims. Because the cited references, singly or in combination, fail to teach all of the claim limitations of claims 17 and 28, as amended, the § 103 rejection of dependent claims 18-27, 29-38, and 41 is improper. Applicant respectfully requests the Office to reconsider and withdraw the § 103 rejection of claims 18-27, 29-38, and 41.

As it is believed that claims 1-41 are presently in condition for allowance, the Applicant respectfully requests the prompt allowance of all pending claims.

CONCLUSION

Applicant respectfully requests withdrawal of the rejections and believes that the claims as presented represent allowable subject matter. Applicant welcomes a telephone interview with the undersigned attorney to expedite prosecution.

A one-month extension of time is requested under 37 CFR §1.136(a) with the accompanying fee of \$60 as set forth in 37 CFR §1.17(a). A credit card payment form authorizing payment of this fee is enclosed. Commissioner is hereby authorized to deduct any deficiency not covered by this credit card payment or credit any overpayment with respect to this response to deposit account number 19-3140.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By: /Marcellus A. Chase, #56,664/
Marcellus A. Chase
Reg. No. 56,664
Telephone No. 314.259.5834

ATTORNEYS FOR APPLICANT